

HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

WRIT PETITION No. 10687 of 2004

Between:

Md. Aleem Shareef & another

... Petitioners

And

A.P. Transmission Corporation Limited,
Rep. by its Chairman-cum-Managing Director,
Hyderabad & another

... Respondents

:: O R D E R ::

Counsel for the petitioners : Shri D. Vijaya Kumar

Counsel for the respondents : Shri Samineni Kishore

07.03.2007

In this petition, the petitioners have prayed for quashing communications dated 26.09.2000 vide which Superintending Engineer, Operation Circle, Medak at Sangareddy (respondent No.2) rejected their claim for appointment as Junior Linemen.

There is no dispute between the parties that both the petitioners fulfil the qualifications prescribed for appointment on the posts of Junior Linemen. It is also not in dispute that both of them were interviewed for regular appointment in the service of the Board in terms of the policy circulated by B.P.Ms.No.36, dated 18.05.1997, but they were denied appointment on the ground that the certificates produced by them do not relate to the works pertaining to Andhra Pradesh State Electricity Board (for short, 'the Board')/A.P. Transco.

In the affidavit filed by him, petitioner No.1 – Mohd. Aleem Shareef has averred that he and petitioner No.2 – Mohd. Azeem Shareef had worked under the contractor Syed Fareed and the certificates issued by the latter were countersigned by Assistant Divisional Engineer, Electrical Operation, A.P. Transco, Siddipet. The grievance of the petitioners is that even though they possess the qualifications prescribed by the Board for appointment on the post of Junior Lineman and their cases are covered by the policy contained in B.P.Ms.No.36, dated 18-5-1997, respondent No.2 rejected their candidature on flimsy ground.

I have heard learned counsel for the parties. Since there is no dispute between the parties that the petitioners possess academic and technical qualifications prescribed for regular appointment as Junior Linemen in terms of B.P.Ms.No.36, dated 18-5-1997, the only issue which requires consideration and determination by the Court is whether the certificates dated 2-2-1999 issued by the contractor, Syed Fareed, Electrical, Mechanical and Civil Works, Medak are genuine and the same can be made basis for appointment of the petitioners as Junior Linemen.

A perusal of certificates dated 2-2-1999 issued by the contractor shows that the same have been duly countersigned by Assistant Divisional Engineer, Electrical (Operation), A.P. Transco, Siddipet. In both the certificates, the contractor has specifically made a mention of the work relating to 33 KV, 11 KV LT line and Distribution Transformer. The respondents have neither controverted the averments contained in the affidavit of petitioner No.1 nor they have produced any document to show that the petitioners had not worked in relation to the work of 33 KV, 11 KV LT line and Distribution Transformer. Indeed, it is not even the case of the respondents that the certificates do not bear the signatures of Assistant Divisional Engineer, Electrical Operation, A.P. Transco, Siddipet. If the work executed by the contractor was not assigned by the Board/A.P. Transco, there was no occasion for the Assistant Divisional Engineer, A.P. Transco to countersign the certificates. Therefore, there is no reason to discard the certificates, the contents of which prove that the petitioners had served under the contractor from February, 1995 to 30.6.1998 in relation to the work of the Board.

In the result, the writ petition is allowed. Communications dated 26.09.2000 are quashed. Respondent No.2 is directed to re-consider the petitioners' case for appointment as Linemen and pass appropriate order within a period of four weeks from the date of receipt of copy of this order.

For forcing this unnecessary litigation on them, the respondents shall pay cost of Rs.10,000/- to the petitioners.

G.S. SINGHVI, CJ

07.03.2007

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